



Legislative Bulletin..... March 13, 2001

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H.Con.Res. 57 — Santana School Violence (Hunter)

Order of Business: The House is expected to take up H.Con.Res. 57 under a motion to suspend the rules on Tuesday, March 13.

Summary: The resolution 1) condemns the “heinous atrocities” that occurred March 5 at Santana High School; 2) offers “condolences to the families friends and loved ones of those killed in the shooting;” 3) “expresses hope” for the recovery of those wounded; 4) applauds the work of law enforcement and others for their “support and assistance;” 5) commends the faculty and staff for evacuating students in an “efficient and effective manner;” and 6) encourages the people of the US to “engage in a national dialogue on preventing school violence.”

Cost to Taxpayers: None.

Constitutional Authority: None cited.

Does the Bill Create New Federal Programs or Rules: No.

RSC Staff Contact: Sheila Moloney x6-9719

H.R. 834 -- Willing Seller Amendments to the National Trails System (McInnis)

Order of Business: The House is expected to take up H.R. 834 under a motion to suspend the rules on Tuesday, March 13.

Summary: Current law prohibits the federal government from acquiring land from outside existing federal areas, such as national forests and parks, for the nine national scenic and historical trails designated between 1978 and 1986. State and local governments are responsible under current law for the cost of any additions to a trail outside of an existing federal area. **H.R. 834 amends current law to authorize the federal acquisition of land from “willing sellers” for the purpose of completing these trails.** The nine trails affected by this bill are: Oregon Historic Trail, Mormon Pioneer Historic Trail, Continental Divide Scenic Trail, Lewis and Clark Historic Trail, Iditarod Historic Trail, North Country Scenic Trail, Ice Age Scenic Trail, Potomac Heritage Scenic Trail, and Nez Perce Historic Trail.

A similar bill, H.R. 2267, passed the House in the 106th Congress by voice vote on September 26, 2000, but was not acted on by the Senate.

Cost to the Taxpayer: From H.R. 2267: CBO is unable to provide an exact cost estimate, however, they do indicate that the total cost of acquisitions authorized under the bill could run into the hundreds of millions of dollars, subject to appropriations.

Does the Bill Create New Government Programs or Regulations: YES. The bill authorizes federal land acquisition from “willing sellers” along nine national trails totaling 19,000 miles. It is impossible to determine exactly how many landowners would be affected by this bill since, according to CBO, the federal agencies that administer these trails “have not complete land protection plans for most of the nine trails.”

Constitutional Authority: Last year, the Committee cited Article I, Section 8, but failed to cite a specific clause or power.

Areas of Concern:

- 1) This bill authorizes the further expansion of federal land holdings at a time at which we are incapable of maintaining the current lands owned by the federal government.
- 2) The bill fails to define what constitutes a “willing seller.” Property rights advocates have long argued that often times private landowners are coerced, often by threat of government regulation or litigation, into becoming willing sellers.
- 3) Because land protection plans for the nine trails have not been finalized, no one is exactly certain how much land is being authorized for acquisition or where that land is located.

Staff Contact: Neil Bradley, x6-9717

H.R.880— To Provide for the Acquisition of Property in Washington County, Utah, for Implementation of a Desert Tortoise Habitat Conservation Plan. (Hansen)

Order of Business: The House is expected to take up H.R. 880 under a motion to suspend the rules on Tuesday, March 13.

Summary: H.R. 880 provides for the acquisition by the federal government of 1516 acres of land owned by a private company within the Red Cliffs Reserve in Utah, as well as 34 acres of property owned by the same company that is adjacent to the land within the Reserve but became landlocked upon creation of the Reserve in 1990. The bill also establishes a method for calculating compensation for the private property owner.

Additional Background: This land acquisition is voluntary. The property owner, Environmental Land Technology, Ltd., has sought the federal purchase of the land since 1990. The property owner was prohibited from developing his land because the U.S. Fish and Wildlife Service (by authority of the Endangered Species Act) identified the desert tortoise as an endangered species. As a result, the property owner is almost bankrupt now.

An identical bill, H.R. 4721 (106th Congress), passed the House by voice vote on October 3, 2000, but was never considered in the Senate.

Cost to Taxpayers: The bill calls for an initial payment of \$15 million. Because the Bureau of Land Management's estimate of the land's value (about \$30 million) is so different from the property owner's estimated value (about \$70 million), the bill establishes a court proceeding for determining the value of the land (assuming an out-of-court settlement cannot be negotiated). As a result, for last year's H.R. 4721, the CBO estimated that the acquisition would cost \$15 million in the first year and \$43 million in the second year. There would be no new costs after the actual purchase.

Does the Bill Create New Federal Programs or Rules?: The bill expands federal land holdings by 1550 acres.

Constitutional Authority: The report by the Committee on Resources for H.R. 4721 cites Article I, section 8, and Article IV, section 3 of the Constitution as the general sources of authority for Congress on this legislation. But the report fails to cite which clauses of said sections grant authority.

Staff Contact: Paul Teller, x6-9718, paul.teller@mail.house.gov

**H.R. 223—To Amend the Clear Creek County, Colorado, Public
Lands Transfer Act of 1993 to Provide Additional Time for Clear
Creek County to Dispose of Certain Lands Transferred to the
County Under the Act.
(Udall, Mark)**

Order of Business: The House is expected to take up H.R. 223 under a motion to suspend the rules on Tuesday, March 13.

Summary: Clear Creek County, Colorado, would have until May 19, 2015, to dispose of certain lands transferred to it by the federal government via the Public Lands Transfer Act (signed into law on May 19, 1994).

Additional Background: Under current law (PL 103-253), the County has until May 19, 2004, to dispose of the applicable lands. Lands not disposed of by this date become County property as if directly transferred to it by the federal government.

A similar bill (H.R. 2799, 106th Congress), which would have extended the deadline for land disposal to May 19, 2014, passed the House by voice vote on September 18, 2000. There was no Senate action on this legislation.

Cost to Taxpayers: The CBO produced no cost estimate for either the current bill (H.R. 223) or its predecessor in the 106th Congress (H.R. 2799).

Does the Bill Create New Federal Programs or Rules?: No.

Constitutional Authority: A Committee Report and a citation of Constitutional Authority has not been filed.

Staff Contact: Paul Teller, x6-9718, paul.teller@mail.house.gov

**H.R. 308 -- Guam War Claims Review Commission Act
(Underwood)**

Order of Business: The House is expected to take up H.R. 308 under a motion to suspend the rules on Tuesday, March 13.

Summary: The bill establishes a commission to determine whether there was parity of war claims paid to the residents of Guam as compared with awards made to other similarly affected United States citizens or nationals in territories occupied by Japan during World War

II. The bill also requires the Commission to issue a report with a recommendation on whether any additional compensation for the people of Guam is necessary.

During World War II, Guam, a U.S. territory with a population of approximately 22,290 U.S. nationals, was occupied for nearly three years by the Japanese armed forces. In 1945, Congress authorized the Navy to settle claims for property damage on Guam resulting from the Japanese occupation, however, any claim over \$5,000 and any claims related to personal injury and death were to be sent to Washington for processing. A report issued in 1947 contended that rather than forwarding claims to Washington for payment of proper claims, many Guamians, simply settled for the \$5,000 that could be issued “on the spot” by the Navy.

A similar bill, H.R.755, passed the House in the 106th Congress by voice vote on September 12, 2000.

Cost to Taxpayers: The bill authorizes \$500,000 and CBO estimated that implementing the 106th Congress' version (H.R. 755) would cost \$500,000.

Constitutional Authority: In the 106th Congress, the Resources Committee found authority under Article IV, section 3 of the Constitution (territories).

Does the Bill Create New Federal Programs or Rules: YES, the bill creates a new federal 5-member commission appointed by the Secretary of the Interior.

RSC Staff Contact: Sheila Moloney x6-9719